

LOCAL RULES

The Superior Court of the State of California in and for the County of Monterey

CHAPTER 20

POWERS AND DUTIES OF EXECUTIVE OFFICER AND CLERK OF THE SUPERIOR COURT

20.01 APPOINTMENT OF EXECUTIVE OFFICER TO ACT AS CLERK OF THE SUPERIOR COURT

Pursuant to Government Code section 69898(c) and (d), the Court hereby appoints the Superior Court Executive Officer to act as the Clerk of the Superior Court and transfers from the County Clerk to the Superior Court Executive Officer, all of the functions, powers, duties, and responsibilities of the County Clerk, as Clerk of the Superior Court. (Adopted effective October 1, 1998)

20.02 TRANSFER OF POWERS AND DUTIES

The County Clerk is hereby relieved of any obligation otherwise imposed by law with respect to the following functions, powers, duties, and responsibilities which shall be performed by the Court Executive Officer, acting as Clerk of the Superior Court. The powers, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the County Clerk, as Clerk of the Superior Court, with respect to Superior Court actions, proceedings and records, including but not limited to:

1. The acceptance, processing and filing of papers in connection with any action or proceeding before the court, including but not limited to those relating to the court's original jurisdiction, appellate jurisdiction and appeals from the Court;
2. The maintenance, storage and management of court records and files; the archiving, microfilming and destruction of court records, documents, files and exhibits in accordance with law;
3. The maintenance of indices of all court files;
4. The issuance of process and notice including without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship, conservatorship, and other matters; the

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acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue;

5. The attendance at each session of court; the keeping of minutes and other records of the court;
6. The provision of courtroom clerk services, secretarial services, court interpreter services, and court reporter services;
7. The performance of all clerk functions for administering oaths to witnesses and impaneling juries;
8. The entry of orders, findings, judgments and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent;
9. The collection, receipt, deposit and accounting of fees for filings, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in court, including but not limited to funds received in connection with minor's compromises;
10. The maintenance of statistical and financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy;
11. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing court;
12. The receipt of wills of decedents;
13. The taking of bail and related matters as provided in the Penal Code;
14. The provision of calendar management, including the calendaring of trials and hearings and maintaining automated case management and filing systems;
15. The printing, inventory, and sale of court forms, judicial council forms, and local rules of Court;
16. The keeping and affixing of the seal of the court to appropriate instruments;
and

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- 17. The performance of administrative functions related to the above, including hiring, training and supervision of court personnel; preparation of the court's budgets; accounting functions; procurement and inventory functions;
- B. The Court reserves the power to delegate to the Court Executive Officer any other functions, duties and responsibilities relating to operation of the Court not otherwise specifically set forth in this chapter, as provided for by Government Code section 69898.
- C. If any portion of this chapter is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby. (Adopted effective October 1, 1998; Amended effective January 1, 2001)